

REMARKS

Claims 15 and 20-22 have been amended to correct an informality pointed out by the Examiner. No new matter has been added.

Claims 1, 3, 5-14, 16, 17, 19-21, 23, 31-37, 40, 42 and 43 stand rejected under 35 U.S.C. § 102 as being anticipated by USP 7,480,907 to Marolia.

Claims 2, 4, 18, 22, 24, 28 and 41 stand rejected under 35 U.S.C. § 103 as being unpatentable over Marolia alone.

Claims 15, 25-27, 29-30, 38 and 39 stand rejected under 35 U.S.C. § 103 as being unpatentable over Marolia in view of USP 5,754,659 to Sprunk.

All rejections depend on the Marolia reference. However, as clarified by Applicant's attached declaration under 37 CFR 1.131, the Marolia reference is not prior art to Applicant's invention. Specifically, Applicants conceived the invention prior to the provisional filing date of the Marolia reference (i.e. prior to 1/9/2003) as shown by the Invention Disclosure form submitted to the Law Dept. of General Instrument Corporation which bears a stamped receipt date of September 12, 2002. The Invention Disclosure was converted into a provisional application by the firm of Townsend Townsend and Crew and filed on September 25, 2003 as US Ser. No. 60/505,915. The interaction of the GI Law Dept. and Townsend Townsend & Crew to prepare and file the application in slightly over one year is believed to be diligent in constructively reducing the invention to practice.

Accordingly, the Marolia reference is not believed to be prior art to Applicant's invention, and hence cannot be used against Applicant. Accordingly, all rejections are believed to overcome.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Date: January 4, 2010

Respectfully submitted,

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